



***AZ POST***  
***INTEGRITY BULLETIN***  
***Volume No. 5***



The Arizona Peace Officer Standards and Training Board (AZ POST) has the legislative mandate to establish and enforce the physical, mental, and moral fitness standards for all peace officers in the state. This charge, to protect the public by overseeing the integrity of Arizona's law enforcement officers, is met by reviewing cases and taking action against the certification of individuals who violate the AZ POST Rules. The following is a summary of some of the actions taken by the Arizona Peace Officer Standards and Training Board at its **July 19, 2000**, public meeting. These actions are not precedent setting, in the sense that similar cases will end with the same result, because each case is considered on its individual facts and circumstances. Having said that, this Bulletin is being published to provide insight into the Board's position on various types of officer misconduct. As always, the Compliance Specialist for your agency is available to discuss any matter and to assist you with any questions you might have. The "*Editor Notes*" and the "Frequently Asked Questions" section are historical observations and insights for training and discussion purposes only.

**CASE NO. 1**

**SEX WITH A MINOR AND FURNISHING ALCOHOL**

Officer A's wife was out of state on business when he started to spend time with her 16 year old sister. Officer A took his young sister-in-law to a movie and bought her and her juvenile friends some alcohol. He had consensual sex with her on two occasions. When his department was alerted to these allegations, he resigned before an internal affairs investigation was conducted. Approximately one year later, Officer A reapplied for a position as a peace officer with the same department. A background investigator recalled the allegations and notified POST. The Board revoked Officer A's certification for committing a felony and providing alcohol to minors.

*\*Editor's Note: Each agency is required to report any known misconduct to POST upon an officer's resignation, retirement, termination or separation from the agency for any reason. The fact that an IA was not completed does not excuse an agency from this reporting requirement. This agency failed to report to POST upon the Officer's termination, but did report the misconduct when he later attempted to regain his employment. The law also requires agencies to inform other agencies that are considering hiring a former officer of any misconduct. The statute is A.R.S. §41-1828.01.*

**CASE NO. 2**

**FALSE OVERTIME CLAIM AND DISORDERLY CONDUCT**

Captain B had an affair with his 18 year old step-daughter. On at least one occasion they had sex in a department vehicle. Captain B sometimes took his step-daughter on shopping trips to another city in his department vehicle. He submitted a false "employee weekly record" reporting overtime for one such trip. This relationship caused problems at home and at work. Captain B was arrested for, and later convicted of, Disorderly Conduct arising out of a domestic dispute. The Board

revoked his peace officer certification for engaging in sex in a department vehicle, submitting a false “weekly” for overtime not worked and for committing disorderly conduct.

### **CASE NO. 3**

### **MISFEASANCE AND MISLEADING**

Deputy C legally came across an unknown white powdery substance which he field tested for drugs. The substance tested negative for drugs and the deputy placed the substance in his filing cabinet. Several months later when transferring to another duty station, he threw the substance into the trash. The substance was discovered and tested by another deputy, with another field test kit, which showed positive for drugs. Deputy C was directed to submit the substance to the DPS lab for testing, which he agreed to do. Over the next several months, his supervisors asked him repeatedly whether the test results had come back, and he repeatedly replied that they had not. The deputy knew he had not yet submitted the substance for testing, and he knew the responses he gave allowed the supervisors to maintain the mistaken impression that he had done so. He just hadn’t gotten around to submitting it yet. Eventually, his supervisors’ insistence led the deputy to hand carry the substance to DPS and wait for the testing. There were no drugs in the substance. When the supervisors learned that he had not submitted the substance as believed, the deputy was fired for untruthfulness. The deputy and his attorney agreed with the attorney for the state that a lengthy suspension was warranted. They entered into an agreement that called for a two year suspension of certification from the date the deputy was terminated. The Board approved the agreement and ordered the suspension.

### **CASE NO. 4**

### **LYING**

Officer D had recently been counseled regarding his falling asleep during duty. He assured his employer that the problem would not repeat itself. A few days later, while on patrol, he fell asleep while driving. His vehicle struck a curb and caused a tire to blow. Not wanting his employer to know that he had again fallen asleep on duty, Officer D submitted an official report relating that he had inadvertently struck debris in the roadway which caused the vehicle tire to rupture. The damage to the patrol vehicle was not consistent with the report submitted and the officer was questioned and reaffirmed his initial report. Eventually Officer D was confronted with the inconsistencies in his report and was offered an opportunity to submit to a polygraph examination. He admitted that he had been untruthful and that he had struck a curb and submitted a false report to conceal the fact that he had fallen asleep. Officer D was terminated by his department and the Board revoked his certification.

### **CASE NO. 5**

### **ABUSE OF AUTHORITY**

Officer E occasionally stopped young female drivers and instead of citing them, he would initiate a personal conversation, provide the female with his telephone number, and attempt to obtain permission to contact her in the future. On one such occasion a female did provide Officer E with her telephone number and began receiving telephone calls from Officer E at all times of the day and night. On several occasions the young lady asked Officer E not to telephone anymore but the calls persisted and eventually resulted in a complaint of harassment. During the investigation it was also learned that Officer E had stopped two minor females whom he determined to be under the influence

of alcohol. Officer E allowed the females to continue driving and followed them to a house where a party consisting of numerous minors were found to be consuming alcohol. Officer E took no enforcement action and allowed the minors to leave in their vehicles. Officer E remained at the house and visited for about two hours with the minor females. Officer E was terminated by his department and the Board revoked his peace officer certification.

#### **CASE NO. 6**

#### **FACILITATING FALSE DRUG TEST**

In 1994, Officer F was a fifteen year officer with an impeccable record. On his scheduled day off, Officer F was approached at his residence by his brother, a sworn officer for a Federal Law Enforcement Agency. Officer F's brother had a dilemma - he was identified to provide a urine sample as part of his agency's random drug testing program and was afraid he would test positive for marijuana. Officer F's brother begged him to provide a clean urine sample for the test. Despite great misgivings, Officer F complied with his brother's request. The brother was able to pass his drug screen test and no one was the wiser until five years later. Officer F made an application for certification with another law enforcement agency and as part of the pre-polygraph examination, Officer F related the details of providing his brother with a clean urine sample. Officer F was not hired by the law enforcement agency and the information was submitted to AZ POST and to his current agency. His agency allowed Officer F to retire and the Board suspended his peace officer certification for three years.

*\*Editor's Note: Board members stated that if this same conduct had been discovered in any way other than Officer F's own statements, made before the polygraph, they would have revoked his certification. However, in their continuing efforts to encourage truthfulness and full disclosure by applicants, the Board imposed a lengthy suspension instead. The Officer's honesty and complete acceptance of the responsibility for his own actions weighed heavily in mitigation of the misconduct. Although his certification will have lapsed before the suspension is over, the officer will be eligible to apply for certification anew.*

### **FREQUENTLY ASKED QUESTIONS CONCERNING AZ POST**

How does POST regard anonymous complaints of peace officer misconduct?

Generally, POST does not place a great deal of stock in anonymous reports of peace officer misconduct. Typically, the information comes from sources whose reliability cannot be established. One example is the print-out of a web page containing allegations against an officer. The integrity and motives of the complainant is also in some question when that person refuses to identify himself or herself. There is an exception. Arizona Revised Statutes § 41-1010 deals with administrative complaints and provides:

Notwithstanding any other law, a person shall disclose the person's name during the course of reporting an alleged violation of law or rule. During the course of an investigation or enforcement action, the name of the complainant shall be a public record unless the affected agency determines that the release of the complainant's

name may result in substantial harm to the person or to the public health or safety.

If a person discloses that there is reason to fear harm if the name is provided, POST may take a different view of the anonymity. Additionally, POST does take action on an anonymous complaints if the facts warrant it. It might be warranted if the facts alleged are serious enough, recent enough and enough information is provided to enable an investigation to prove or disprove them. When an investigation is warranted, POST first refers the matter to the employing agency for investigation. POST simply does not have the resources to investigate every allegation of peace officer misconduct and since the employing department has a responsibility to investigate, POST shares resources when feasible.